

REMARKS

The abstract, the specification, and claims 1-14 have been amended.

Claims 1-14 are pending, with claims 1, 6-7, and 12-14 being independent.

Attached hereto is an Appendix entitled "Version with Markings to Show Changes Made" which is a marked-up version of the portions of the application which have been amended by the present amendment, with brackets indicating deleted matter and underlining indicating added matter.

Submitted herewith is an Information Disclosure Statement, consideration of which is respectfully requested.

The abstract has been amended in accordance with the requirements therefor.

The disclosure was objected to because of the informality on page 12 of the specification identified by the Examiner on page 2 of the Office Action of December 18, 2002. The specification has been amended to correct this informality, and accordingly it is respectfully requested that the objection to the disclosure be withdrawn.

Claims 1-14 were objected to because of the informalities in claims 1, 3, 6-7, 9, and 12-14 identified by the Examiner on pages 2-4 of the Office Action of December 18, 2002. Claims 1, 3, 6-7, 9, and 12-14 have been amended to eliminate these informalities, and accordingly it is respectfully requested that the objection to claims 1-14 be withdrawn.

Claim 11 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which the applicants regard as the invention because of the deficiency identified by the Examiner on page 4 of the Office Action of December 18, 2002. Claim 11 has been amended to depend from claim 8 to eliminate this deficiency as suggested by the Examiner, and it is respectfully requested that the rejection of claim 11 under 35 USC 112, second paragraph be withdrawn.

Independent claims 1, 6-7, and 12-14 have been amended to more clearly define the present invention and to recite features as presented in the claims of parent application Serial No. 09/290,251, which is on appeal.

As to the rejection of claims 1-5 under 35 USC 103(a) as being unpatentable over Tozaki et al. (Tozaki) (U.S. Patent No. 5,729,516) in view of Suzuki et al. (Suzuki) (U.S. Patent No. 5,699,474) for the reasons set forth on pages 4-8 of the Office Action of December 18, 2002; the rejection of claim 6 under 35 USC 103(a) as being unpatentable over Tozaki in view of Suzuki and Official notice for the reasons set forth on pages 8-10 of the Office Action of December 18, 2002; the rejection of claims 7-11 under 35 USC 103(a) as being unpatentable over Tozaki in view of Suzuki for the reasons set forth on page 10 of the Office Action of December 18, 2002; the rejection of claim 12 under 35 USC 103(a) as being unpatentable over Tozaki in view of Suzuki and Official notice for the reasons set forth on page 10 of the Office Action of December 18, 2002; and the rejection of claims 13-14 under 35 USC 103(a) as being unpatentable over Tozaki in view of Suzuki for the reasons set forth on pages 10-11 of the Office Action of December 18, 2002, these rejection are

respectfully traversed insofar as they may be deemed to be applicable to claims 1-14 in their present form.

At the outset, as the requirements to support a rejection under 35 USC 103, reference is made to the decision of In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under § 103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. As noted by the court, whether a particular combination might be "obvious to try" is not a legitimate test of patentability and obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. As further noted by the court, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Furthermore, such requirements have been clarified in the recent decision of In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002) wherein the court in reversing an obviousness rejection indicated that deficiencies of the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge". The court pointed out as follows (emphasis added):

The Examiner's conclusory statements that "the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software" and that "another motivation would be that the automatic demonstration mode is

user friendly and it functions as a tutorial" do not adequately address the issue of motivation to combine. This factual question of motivation is immaterial to patentability, and could not be resolved on subjected belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." . . . Thus, the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.

Independent claim 1 now recites, inter alia, that the output control means stops outputting the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store means indicates that copying once was permitted.

Independent claim 6 now recites, inter alia, that the reproduction stopping means stops reproduction of the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the information concerning copying consent from the copying consent information reproducing means indicates that copying once was permitted.

Independent claim 7 now recites, inter alia, that the output controller stops outputting the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store indicates that copying once was permitted.

Independent claim 12 now recites, inter alia, that the reproduction stopper stops reproduction of the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the information concerning copying consent from the copying consent information reproducer indicates that copying once was permitted

Independent claim 13 now recites, inter alia, that the step of performing output control of the error-corrected data includes the step of stopping outputting the error-corrected data by the output controller if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store indicates that copying once was permitted.

Independent claim 14 now recites, inter alia, that the step of performing output control of the error-corrected data includes the step of stopping outputting the error-corrected data by the output control means if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store means indicates that copying once was permitted.

Applicants note that the present invention is directed to a reproduction apparatus and method for prohibiting reproduction of video data and/or audio data which has been illegally recorded on a medium dedicated to reproduction, such as a DVD-ROM.

For example, if video data and/or audio data such as a broadcast program for which copy once is permitted is recorded on a recordable medium, such as a

DVD-RAM, information concerning copying consent which is superimposed on the video data and/or audio data is changed from "copy once" to "no more copy", indicating that copying once was permitted, to prevent further legal copies being made from the DVD-RAM.

However, applicants have realized that illegal copies can nevertheless be made from the DVD-RAM by using the DVD-RAM to create a master for making a DVD-ROM which is a medium dedicated to reproduction, and then pressing DVD-ROMs using the master. Applicants have realized that each of these illegal copies on DVD-ROM will contain the information concerning copying consent indicating that copy once was permitted which is recorded on the DVD-RAM.

Applicants have realized that it is not possible for a legal copy of video data and/or audio data for which copying once was permitted to exist on a medium dedicated to reproduction such as a DVD-ROM because any copy on a medium dedicated to reproduction is necessarily an illegal second or subsequent copy, with the first and only legal copy being the copy that was recorded and used in producing the master for the DVD-ROM, such as a copy which was recorded on a recordable medium, such as a DVD-RAM, as discussed above.

Based on these realizations, applicants have invented the present invention which, as discussed above, is directed to a reproduction apparatus and method for prohibiting reproduction of video data and/or audio data which has been illegally recorded on a medium dedicated to reproduction, such as a DVD-ROM. More specifically, the present invention prohibits reproduction of reproduced data if both (1) the reproduced data was reproduced from a medium

dedicated to reproduction and (2) the reproduced data includes information concerning copying consent which indicates that copying once was permitted. These features of the present invention are recited in somewhat more detail in the underlined portions of independent claims 1, 6-7, and 12-14 which are set forth above, and applicants submit that Tozaki, Suzuki, and Official notice do not disclose or teach the features which are now recited in the underlined portions of independent claims 1, 6-7, and 12-14 which are set forth above.

Irrespective of the contentions by the Examiner in the Office Action of December 18, 2002, applicants submit that the cited art taken alone or in any combination fails to disclose or teach the claimed features as now set forth in independent claims 1, 6-7, and 12-14 and claims 2-5 and 8-11 depending from independent claims 1 and 7, and that any rejection based on the cited art as set forth by the Examiner in the Office Action of December 18, 2002, or which may be set forth by the Examiner in response to the present amendment can only come about by way of a hindsight reconstruction approach and/or an "obvious to try" approach, both of which are impermissible in a rejection under 35 USC 103.

Since Tozaki, Suzuki, and Official notice do not disclose or suggest the features of independent claims 1, 6-7, and 12-14 discussed above, it is submitted that independent claims 1, 6-7, and 12-14 and claims 2-5 and 8-11 depending from independent claims 1 and 7 patentably distinguish over Tozaki, Suzuki, and Official notice in the sense of 35 USC 103(a), and it is respectfully

requested that the rejections of claims '1-14 under 35 USC 103(a) as being unpatentable over Tozaki, Suzuki, and Official notice be withdrawn.

Although dependent claims 2-5 and 8-11 are considered to be allowable by virtue of their dependency from allowable independent claims 1 and 7, it is noted that these dependent claims also recite further features of the present invention which are not seen to be disclosed or suggested by the prior art.

As recognized by the Examiner, the other references cited but not relied upon neither disclose nor suggest the present invention, and thus no further discussion of these other references is deemed necessary at this time.

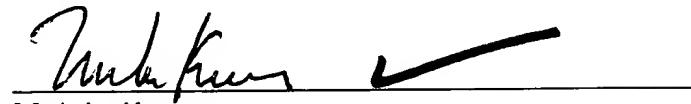
It is submitted that all of the Examiner's objections and rejections have been overcome, and that the application is now in condition for allowance. Reconsideration of the application and an action of a favorable nature are respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any

overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.37136CX1).

Respectfully submitted,

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Attachment

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Changes made to the application by the present amendment are indicated below, with brackets indicating deleted matter and underlining indicating added matter.

IN THE SPECIFICATION

The section on page 1, lines 3-6, has been deleted and replaced with the following replacement section:

--[CROSS REFERENCE] CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation of [U.S.] application Serial No. 09/290,251[,] filed on April 13, 1999, the [subject matter] contents of which [is] are hereby incorporated herein by reference [herein] in their entirety.--

The paragraph on page 7, line 23, through page 8, line 20, has been deleted and replaced with the following replacement paragraph:

--Furthermore, by outputting the message signal, users can recognize that the reproduction inhibition is not caused by a failure of the reproduction apparatus or a damage of the disk, but caused by a problem of the copyright.

In addition, by displaying where to make contact with the copyright managing organization, it is possible to collect information for identifying a person who produced the pirated edition from users. Furthermore, in the case of a violation of a copyright, destruction of data is also conducted. In the case where the signal processing device 120 is formed as a single semiconductor chip, therefore, data is destroyed and cannot be read out, even if software of the [micro-controller] microcontroller is falsified and correction impossibility flag is disregarded. If the disk reproduction stopping signal 114 in the disk reproduction stopping signal generation circuit 109 is made active, provided that the copying permission information indicates "copying of only one generation was permitted" and the disk identification code is judged to be a disk dedicated to reproduction or provided that the copying permission information is "copying is inhibited" and the disk identification code is judged to a recordable disk, then a DVD-R/RAM produced by illegally recording contents of a disk inhibited from being copied can also be prevented from being reproduced. According to the present embodiment, a reproduction apparatus capable of sufficiently protecting a copyright can be provided.--

The paragraph on page 12, lines 14-28, has been deleted and replaced with the following replacement paragraph:

--Instead of inputting the output of the message information generation circuit 110 to the selection circuit 111 and inputting the output of the selection

circuit 111 to the output control circuit 112, the output of the message information generation circuit 110 is written into the RAM 105 via a RAM write controller 119. Components other than them are common to the third embodiment. In the case where the disk reproduction stopping signal 114 has become active, overwriting is conducted on video data or audio data which should be originally outputted in the present embodiment. As a result, there are obtained the same effects as those of the case where the output of the message information generation circuit 110 is inputted to the selection circuit 111 and the output of the selection circuit [III] 111 is inputted to the output control circuit 112 as in the second embodiment.--

IN THE CLAIMS

Claims 1-14 have been amended as follows:

--1. (Amended) A reproduction apparatus for reproducing video data and/or audio data from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, [said] the video data and/or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has undergone addition of an error correction code for error correction and then been modulated in accordance with a modulation rule adapted for the recording medium, [said] the reproduction apparatus comprising:

demodulating means for demodulating data modulated in accordance with [said] the modulation rule;

temporal store means for [holding] storing the data demodulated by [said] the demodulating means;

error-correcting means for error-correcting the demodulated data stored in [said] the temporal store means based on the error correction code, the error-corrected data being stored in [said] the temporal store means;

reproducing means for reproducing the superimposed information concerning copying consent from the error-corrected [demodulated] data processed by [said] the error-correcting means and stored in [said] the temporal store means; and

output control means for performing output control of the [reproduced] error-corrected data based on [said] the reproduced information concerning copying consent stored in the temporal store means;

wherein the output control means stops outputting the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store means indicates that copying once was permitted.

2. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 1, wherein [said] the temporal store means is a RAM.

3. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 2, wherein [said] the demodulating means, [said] the error-correcting means, and [said] the copying consent information [reproduction] reproducing means are connected to [said] the RAM[, respectively.]

4. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 3, wherein [said] the RAM is constituted by a single RAM.

5. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 2, wherein [said] the copying consent information reproducing means, [said] the demodulating means, [said] the error-correcting means, and [said] the RAM are integrated in a single semiconductor device.

6. (Amended) A reproduction apparatus for reproducing video data and/or audio data from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, [said] the video data and/or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has undergone addition of an error correction code for error correction and then been modulated in accordance with a modulation rule adapted for the recording medium, [said] the reproduction apparatus comprising:

demodulating means for demodulating data modulated in accordance with [said] the modulation rule;

[a] temporal store means for [holding] storing the data demodulated by [said] the demodulating means;

error-correcting means for error-correcting the demodulated data stored in [said] the temporal store means based on [an] the error correction code, the error-corrected data being stored in [said] the temporal store means;

reproducing means for reproducing the superimposed information concerning copying consent from the error-corrected [video] data [and/or audio data] processed by [said] the error-correcting means and stored in [said] the temporal store means; and

means for stopping reproduction of the error-corrected [video] data [and/or audio data] in accordance with the information concerning copying consent from [said] the copying consent information reproducing means;

wherein [said] the demodulating means, [said] the temporal store means, [said] the error-correcting means, [said] the copying consent information reproducing means, and [said] the reproduction stopping means are integrated in a single semiconductor device; and

wherein the reproduction stopping means stops reproduction of the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the information concerning copying consent from the copying consent information reproducing means indicates that copying once was permitted.

7. (Amended) A reproduction apparatus for reproducing video data and/or audio data from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, [said] the video data and/or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has undergone addition of an error correction code for error correction and then been modulated in accordance with a modulation rule adapted for the recording medium, [said] the reproduction apparatus comprising:

a demodulator which demodulates data modulated in accordance with [said] the modulation rule;

a temporal store which [holds] stores the data demodulated by [said] the demodulator;

an error-corrector which [for] error-corrects the demodulated data stored in [said] the temporal store based on the error correction code, the error-corrected data being stored in [said] the temporal store;

a reproducer which [for] reproduces the superimposed information concerning copying consent from the error-corrected [demodulated] data processed by [said] the error-corrector and stored in [said] the temporal store; and

an output controller which performs output control of the [reproduced] error-corrected data based on [said] the reproduced information concerning copying consent stored in the temporal store;

wherein the output controller stops outputting the error-corrected data if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store indicates that copying once was permitted.

8. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 7, wherein [said] the temporal store is a RAM.

9. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 8, wherein [said] the demodulator, [said] the error-corrector, and [said] the copying consent information reproducer are connected to [said] the RAM[, respectively.]

10. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim 9, wherein [said] the RAM is constituted by a single RAM.

11. (Amended) A reproduction apparatus for reproducing video data and/or audio data according to claim [2] 8, wherein [said] the copying consent information reproducer, [said] the demodulator, [said] the error-corrector, and [said] the RAM are integrated in a single semiconductor device.

12. (Amended) A reproduction apparatus for reproducing video data and/or audio data from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, [said] the video data and/or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has undergone addition of an error correction code for error correction and then been modulated in accordance with a modulation rule adapted for the recording medium, [said] the reproduction apparatus comprising:

a demodulator which demodulates data modulated in accordance with [said] the modulation rule;

a temporal store which [holds] stores the data demodulated by [said] the demodulator;

an error-corrector which error-corrects the demodulated data stored in [said] the temporal store based on [an] the error correction code, the error-corrected data being stored in [said] the temporal store;

a reproducer which reproduces the superimposed information concerning copying consent from the error-corrected [video] data [and/or audio data] processed by [said] the error-corrector and stored in [said] the temporal store; and

a reproduction stopper which stops reproduction of the error-corrected [video] data [and/or audio data] in accordance with the information concerning copying consent from [said] the copying consent information reproducer;

wherein [said] the demodulator, [said] the temporal store, [said] the error-corrector, [said] the copying consent information reproducer, and [said] the reproduction stopper are integrated in a single semiconductor device; and
wherein the reproduction stopper stops reproduction of the
error-corrected data if both (1) the error-corrected data was reproduced from the
medium dedicated to reproduction and (2) the information concerning copying
consent from the copying consent information reproducer indicates that copying
once was permitted.

13. (Amended) A method for reproducing from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, [said] the video data and/or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has [being] undergone addition of an error correction code for error correction and then been modulated in accordance with a modulation rule adapted for the recording medium, in a reproduction apparatus [comprising] including

a demodulator which demodulates data in accordance with [said]
the modulation rule;[
]

a temporal store which [holds] stores the data demodulated by
[said] the demodulator;[
]

an error-corrector which [for] error-corrects the demodulated data stored in [said] the temporal store based on the error correction code,[:] the error-corrected data being stored in the temporal store,

a reproducer which [for] reproduces the superimposed information concerning copying consent from [said video] the error-corrected data [and/or audio data;] processed by the error-corrector and stored in the temporal store, and

an output controller which [controls an] performs output control of the [apparatus] error-corrected data,

[said] the method comprising the steps of:

demodulating modulated data by [said] the demodulator;
temporarily storing the demodulated data in [said] the temporal store;

error-correcting the demodulated data stored in [said] the temporal store [means] by [said] the error-corrector, [to provide] the error-corrected [demodulated] data being stored in the temporal store;

reproducing the superimposed information concerning copying consent from [said] the error-corrected [demodulated] data stored in [said] the temporal store by [said] the copying consent information reproducer; and

performing output control of the [apparatus] error-corrected data by [said] the output controller in accordance with the information concerning copying consent reproduced by [said] the copying consent information reproducer;

wherein the step of performing output control of the error-corrected data includes the step of stopping outputting the error-corrected data by the output controller if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store indicates that copying once was permitted.

14. (Amended) A method for reproducing from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, [said] the video data and/or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has [being] undergone addition of an error correction code for error correction and then been modulated in accordance with a modulation rule adapted for the recording medium, in a reproduction apparatus [comprising] including

demodulating means for demodulating data in accordance with [said] the modulation rule,[]

[a] temporal store means for [holding] storing the data demodulated by [said] the demodulating means,[]

error-correcting means for error-correcting the demodulated data stored in [said] the temporal store means based on the error correction code,[] the error-corrected data being stored in the temporal store means,

reproducing means for reproducing the superimposed information concerning copying consent from [said video] the error-corrected data [and/or audio data;] processed by the error-correcting means and stored in the temporal store means, and

output control means for [controlling an] performing output control of the [apparatus] error-corrected data,

[said] the method comprising the steps of:

demodulating modulated data by [said] the [demodulation] demodulating means;

temporarily storing the demodulated data in [said] the temporal store [mean] means;

error-correcting the demodulated data stored in [said] the temporal store means by [said] the error-correcting means, [to provide] the error-corrected [demodulated] data being stored in the temporal store means;

reproducing the superimposed information concerning copying consent from [said] the error-corrected [demodulated] data stored in [said] the temporal store means by [said] the copying consent information reproducing means; and

performing output control of the [apparatus] error-corrected data by [said] the output control means in accordance with the information concerning copying consent reproduced by [said] the copying consent information reproducing means;

wherein the step of performing output control of the error-corrected data includes the step of stopping outputting the error-corrected data by the output control means if both (1) the error-corrected data was reproduced from the medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store means indicates that copying once was permitted.--

IN THE ABSTRACT

The original abstract has been deleted and replaced with the following replacement abstract:

--[ABSTRACT OF THE DISCLOSURE]

[A reproduction apparatus and method for reproducing video data and/or audio data from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon. The video data and/or audio data is generated by superimposing information concerning copying consent on a digitized video signal or audio signal which has undergone addition of an error correction code for error correction and then modulated in accordance with a modulation rule adapted for the recording medium. The reproduction apparatus includes a demodulator for demodulating data modulated in accordance with the modulation rule, a temporal store for holding the data demodulated by the demodulator, an error-corrector for error-correcting the demodulated data stored in the temporal store, based on an error correction

code with the error-corrected data being stored in the temporal store. A reproducer reproduces the superimposed information concerning copying consent from the error-corrected demodulated data processed by the error-corrector and stored in the temporal store and an output controller performs output control of the reproduced data based on the reproduced information concerning copying consent stored in the temporal store.]

ABSTRACT OF THE DISCLOSURE

A reproduction apparatus includes a demodulator which demodulates data modulated in accordance with a modulation rule, a temporal store which stores the data demodulated by the demodulator, an error-corrector which error-corrects the demodulated data stored in the temporal store based on an error correction code, the error-corrected data being stored in the temporal store, a reproducer which reproduces superimposed information concerning copying consent from the error-corrected data processed by the error-corrector and stored in the temporal store, and an output controller which performs output control of the error-corrected data based on the reproduced information concerning copying consent stored in the temporal store. The output controller stops outputting the error-corrected data if both (1) the error-corrected data was reproduced from a medium dedicated to reproduction and (2) the reproduced information concerning copying consent stored in the temporal store indicates that copying once was permitted.--